



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.                                  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/775,029                                       | 02/09/2004  | Gideon Roberts       | 1568.604            | 6937             |
| 44208  | 7590        | 03/01/2006           | EXAMINER            |                  |
| DOCKET CLERK<br>PO BOX 12608<br>DALLAS, TX 75225 |             |                      |                     | SMITH, SHEILA B  |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             | 2681                 |                     |                  |

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                    |                         |  |
|------------------------------|------------------------------------|-------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>             | <b>Applicant(s)</b>     |  |
|                              | 10/775,029                         | ROBERTS, GIDEON         |  |
|                              | <b>Examiner</b><br>Sheila B. Smith | <b>Art Unit</b><br>2681 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 February 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 1/24/05.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-7 rejected under 35 U.S.C. 102(b) as being anticipated by Seekins et al. (U. S. Patent Number 5,937,351).

*Regarding claim 1*, Seekins et al. discloses essentially all the claimed invention as set fourth in the instant application, further Seekins et al. discloses method for establishing a wireless communications link in a reduced time. In addition Seekins et al. discloses a method for taking measurements in a mobile telecommunications system, the system comprising a network of a plurality of cells and at least one user equipment device, the method comprising, at the user equipment device: scanning frequency bands to generate measurement data for signals received from cells of the network (which reads on column 2 lines 55-67); and identifying from the measurement data the cell which best meets a cell selection criterion; determining whether the identified cell is suitable; and when the identified cell is deemed unsuitable, re-initiating the scanning step with the omission from the scan of the cell previously identified as the cell which best meets a cell selection criterion (which reads on column 2 lines 55-67 and column 3 lines 1-40 and exhibited in figure 2).

*Regarding claim 2*, Seekins et al. discloses essentially all the claimed invention as set fourth in

the instant application, further Seekins et al. discloses when the identified cell is deemed unsuitable, re-initiating the scanning step with the omission from the scan of the frequency band of the cell previously identified as the cell which best meets a cell selection criterion (which reads on column 2 lines 5-40).

***Regarding claim 3***, Seekins et al. discloses essentially all the claimed invention as set fourth in the instant application, further Seekins et al. discloses an identified cell is deemed unsuitable when the identified cell is barred with the an "Intra-frequency cell-reselection indicator" set to "not allowed"(which reads on column 2 lines 5-40).

***Regarding claim 4***, Seekins et al. discloses essentially all the claimed invention as set fourth in the instant application, further Seekins et al. discloses determining whether the measurement data meets a predetermined criterion and storing the measurement data in an order relative to the meeting of the criterion (which reads on column 2 lines 55-67).

***Regarding claim 5***, Seekins et al. discloses essentially all the claimed invention as set fourth in the instant application, further Seekins et al. discloses determining whether the measurement data meets a predetermined criterion and storing the measurement data in an order relative to the meeting of the criterion; identifying from the stored measurement data the cell which best meets a cell selection criteria; determining whether the identified cell is suitable (which reads on column 2 lines 55-67); and when the identified cell is deemed unsuitable, identifying from the stored measurement data the cell with the next strongest signal at any frequency and determining

whether the newly identified cell is suitable (which reads on column 2 lines 55-67 and column 3 lines 1-40 and exhibited in figure 2).

***Regarding claim 6***, Seekins et al. discloses essentially all the claimed invention as set fourth in the instant application, further Seekins et al. discloses Apparatus for taking measurements in a mobile telecommunications system, the system comprising a network of a plurality of cells and at least one user equipment device, the apparatus comprising a processor and memory, the apparatus being arranged to carry out the following steps: scanning frequency bands to generate measurement data for signals received from cells of the network (which reads on column 2 lines 55-67); and identifying from the generated measurement data the cell which best meets a cell selection criterion; determining whether the identified cell is suitable; and when the identified cell is deemed unsuitable, re-initiating the scanning step with the omission from the scan of the cell previously identified as the cell which best meets a cell selection criterion (which reads on column 2 lines 55-67 and column 3 lines 1-40 and exhibited in figure 2).

***Regarding claim 7***, Seekins et al. discloses essentially all the claimed invention as set fourth in the instant application, further Seekins et al. discloses apparatus is further arranged, when the identified cell is deemed unsuitable, to re-initiate the scanning step with the omission from the scan of the frequency band of the cell previously identified as the cell which best meets a cell selection criterion (which reads on column 2 lines 5-40).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith   
September 19, 2005

Jemica M. Beamer  
TEMICA BEAMER 9/19/05  
PRIMARY EXAMINER